

REMARKS

Claims 1-39, 43-47, and 49-105 were pending. Claims 3-20, 24-30, 34-42, 46-101 and 103-105 have been withdrawn from consideration by the Examiner. Claims 1-7, 12-20, 25-30, 34, 38-42, 44-50, 63-91, 93-94 and 102 have been canceled without prejudice, and claims 8, 21-24, 31-33, 43, 51, 92, 95, 103 and 105 have been amended. New claims 106-131 have been added. Accordingly, after entry of the present amendment, claims 8-11, 21-24, 31-33, 35-37, 43, 51-62, 92, 95-103 and 105-131 will be pending.

Support for the amendments to the claims and the addition of new claims can be found throughout the specification and claims as originally filed. Claims 21-24, 43, 51, 92, 95, 103 and 105 have been amended to provide proper antecedent basis, and support can be found, for example in claims 1, 21-24, 43, 51, 92, 95, 103 and 105 as originally filed. Support for the amendment to claims 8 and 31-33 can be found, for example, in claims 1, 8 and 31-33 as originally filed, as well as in the specification at page 10, lines 2-25 and page . Support for the addition of new claims 106-131 can be found, for example, in Figures 1 and 2. *No new matter has been added.*

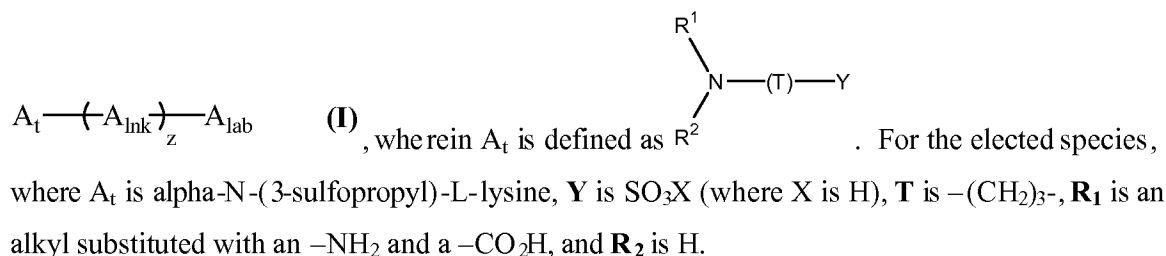
Restriction Requirement

The Examiner has maintained the requirement for restriction in the present application. Applicants are unclear as to how a *method of using a compound of the claims* can be performed without using *a compound of the claims*. That is, it is Applicants' assertion that the method claims contain all the limitations of the compound claims, and thus may properly rejoined upon the finding of allowable compound claims.

Applicants would like to note that in accordance with MPEP 821.04 and *In re Ochiai*, 71 F.3d 1565, 37 USPQ 1127 (Fed. Cir. 1995), rejoinder of product claims with process claims commensurate in scope with the allowed product will occur following a finding that the product claims are allowable.

The Examiner has also requested an explanation of how the elected species are related to the formulas of the claims. Applicants respectfully submit that, as amended, claims 21-24, 31-32, 43, 51-53, 55-62, 95-98, 100-101, 103-105 and 112-115 read on the species elected for searching purposes.

Applicants elected a species where A_t is alpha-N-(3-sulfopropyl)-L-lysine; A_{link} is absent (i.e., $z=0$); and A_{lab} is an EDTA chelate of $^{99\text{m}}\text{Tc}$. Claims 31 and 32 comprise formula (I):



Allowable Subject Matter

Applicants appreciate the Examiner's indication that the species, alpha-N-(3-sulfopropyl)-L-lysine, is allowable, and that claims drawn to the same which overcome the rejection under 35 U.S.C. §112, first paragraph, would also be allowable.

Claim Rejections – 35 U.S.C. §112

Claims 1-2, 21,23, 31-33, 43-45 and 102 have been rejected under 35 U.S.C. §112, first paragraph, as “not reasonably provid[ing] enablement for any type of amyloid targeting imaging agents...” While not acquiescing to the merits of the rejection, Applicants have amended the claims to recite the amyloid targeting imaging agents indicated in claims 31 and 32.

The Examiner has acknowledged the enablement of claim 31 at page 4 of the Office Action, where it is states that the specification is “...enabling for making certain amyloid targeting imaging agents of [the] formula recited in claim 31...” Applicants believe that the

specification is also enabling for the amyloid targeting imaging agents of claims 8, 32 and 33 for the same reason.

Applicants submit that the claims as amended fully comply with 35 U.S.C. §112, first paragraph. Accordingly, withdrawal of the foregoing rejection under 35 U.S.C. §112, first paragraph, and reconsideration of the claims is respectfully requested.

CONCLUSION

The Examiner is invited to contact the undersigned with questions or comments with regard to the present communication.

A Request for the appropriate extension of time is being filed concurrently herewith. Please charge any underpayment and credit any overpayments to our Deposit Account No. 12-0080, under Order No. NBI-139CP, from which the undersigned is authorized to draw.

Dated: March 19, 2007

Respectfully submitted,

By /Danielle L. Herritt/
Danielle L. Herritt
Registration No.: 43,670
LAHIVE & COCKFIELD, LLP
One Post Office Square
Boston, Massachusetts 02109-2127
(617) 227-7400
(617) 742-4214 (Fax)
Attorney/Agent For Applicant